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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/560,688	12/14/2005	Pietro Bigoni	377/9-2178	1944
28147	7590	06/06/2007		
WILLIAM J. SAPONE COLEMAN SUDOL SAPONE P.C. 714 COLORADO AVENUE BRIDGE PORT, CT 06605			EXAMINER TRUONG, THANH K	
			ART UNIT 3721	PAPER NUMBER
			MAIL DATE 06/06/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/560,688

Applicant(s)

BIGONI, PIETRO

Examiner

Thanh K. Truong

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 14-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 12-14-05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Group I, claims 1-13 in the reply filed on April 16, 2007 is acknowledged.
2. Claims 14-17 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on April 16, 2007.
3. Examiner's note: Group II, claims 14-17, of the present invention had been restricted not based on the different species, therefore the withdrawn claims will not be rejoined in a later date.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:  
  
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, the phrase "being aimed at", lines 7 and 8, is vague and indefinite, because it does not positively recite the claimed limitation – the phrase "being aimed" states the intention, but it does not require that it is being acted upon.

Similarly, all claims (2, 4) contain the similar phrase are indefinite for the same reason.

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Claim 1 recited, lines 5-6, "to form one or more enclosing chambers" (emphasis added), however on lines 7-8 it recited that "at least one of said chambers ... a pressurized environment and at least another chamber..." (emphasis added). The word "and", line 7, is indefinite because it implies that two chambers are required. In other words, the word "and" contradicts the word "or" on line 5.

Accordingly, the examiner will treat the claimed limitation on line 7 with the word "or" instead of "and".

Regarding claim 7, the phrase "or the like", line 5, renders the claim(s) indefinite because the claim(s) include(s) elements not actually disclosed (those encompassed by "or the like"), thereby rendering the scope of the claim(s) unascertainable. See MPEP § 2173.05(d).

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1, 3 and 8 are rejected under 35 U.S.C. 102(b) as being anticipated by Schoenewolff et al. (6,134,866).

Schoenewolff et al. discloses an apparatus comprising: at least two work areas (figure 4, the work space divided by the wall 100) arranged along a packaging machine (80), the machine structure further comprising:

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enclosing space to form at least one chamber (104), and the at least one chamber is in a pressurized environment – column 6, lines 16-22.

Schoenewolff et al. further discloses:

wherein the chambers communicate with each other via passages (67, 75) through which the air also passes between chambers.

a plurality of panels (41-44, 74, 100) formed the chambers and open spaces (67, 75, 110) situated in the connection area allowing the air to go outside the chambers.

***Claim Rejections - 35 USC § 103***

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Monti (6,675,555) in view of Young (5,912,184).

Monti discloses an pharmaceutical packaging machine (automatic blistering machine) comprising:

at least two work areas arranged along a packaging line, the machine structure comprising:

enclosing panels assembled together to form enclosing chambers.

Monti discloses the claimed invention, but it does not disclose that the chambers are pressurized.

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Young discloses an apparatus comprising: an environmentally enhanced enclosure that is pressurized to minimize contamination in the chamber.

Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to modified Monti apparatus by incorporating the environmentally enhanced enclosure as taught by Young to provide a clean room environment and minimized the contamination in the enclosing chamber.

Monti modified by Young further discloses:

means for generating at least one flow of air into the chamber (Young - column 5, lines 21-22), suction means (18) to take the air out of the chambers to maintain substantially constant pressure inside the chamber (column 3, lines 19-26), and depuration means (16).

wherein the chambers communicate with each other via passages (not number) through which the air also passes between chambers (Monti – figure 1).

wherein the packaging machine (1) is automatic packaging pharmaceutical products in containers, band material (2) at least one feeding station (5), at least one station (4) for producing containers (Monti – figure 1).

at least one station (6) for closing containers (Monti – figure 1).

pressurized environment includes at least one mouth allowing band material along packaging line, the mouth having fluid barrier means for removing possible contaminating particles (13 – Young column 6, lines 34-40).

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a plurality of panels (not number) formed the chambers and open spaces (not number) situated in the connection area allowing the air to go outside the chambers (Monti – figure 1).

means for generating flow of air into the chamber include at least one pump (a blower – Young, column 5, lines 21-22), depuration means (16) include filter (ULPA filters – figure 2B), sensor means (60, 61, 62) are connected to the filter means for detecting volume variation of the flow of air via control unit (36).

a main filter (16) situated in the introduction duct downstream of the pump (not number) and having connected thereto relative sensor (60, 61, 62).

Regarding claims 10, 11 and 13, the examiner take official notice that it is old and well known in the art to employ a particular sensor (manostat sensor) to read the different pressure between the filters of the up stream and down stream of the air flow. Therefore, it would have been obvious to one having ordinary skill in the art, at the time applicant's invention was made, to have modified the teaching from Monti and Young to device the apparatus as recited in claims 10, 11 and 13 to provide a more efficient packaging machine.

### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

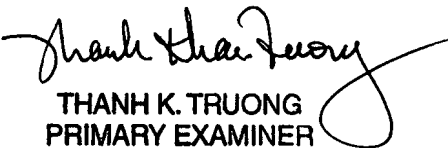
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11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh K. Truong whose telephone number is 571-272-4472. The examiner can normally be reached on Mon-Thru 8:00AM - 6:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on 571-272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

tkf  
May 31, 2007.

  
THANH K. TRUONG  
PRIMARY EXAMINER  
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